IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 31569 of 2004(G)

PETITIONERS:

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1. **M.S.GOPIDAS, AGED 53 YEARS, S/O.SANKARAN, WORKING HEAD CONSTABLE NO.K.3813, KOTTAYAM EAST POLICE STATION, R/A.MANBARAMBIL HOUSE, MANGANAM P.O. KOTTAYAM DIST.**

2. **P.R.RAVI, AGED 51 YEARS, S/O.RAMANKUTTY, WORKING AS HEAD CONSTABLE NO.K.3818, CB CID, KOTTAYAM, R/A. PADINJARAKKUTTU HOUSE, CHAMPAKKARA P.O. P.O. KARUKACHAL, KOTTAYAM DT.**

3. **SEBASTIAN EAPPEN, AGED 49 EYARS, S/O.O.V.EAPPAN, WORKING AS H.C. NO.K.3842, ETTUMANOOR POLICE STATION, R.A.POLCIE QUARTERS NO.304, KADUTHURUTHY, KOTTAYAM DIST.**

4. **JACOB K.V. AGED 49 YEARS, S/O.VARKEY, WORKING AS H.C.NO.3854, KOTTAYAM EAST POLICE STATION, R/A. NADUVILEDATHU HOUSE, VADAVATHOOR, KOTTAYAM DT.**

5. **T.K.MURALEEDHARAN NAIR, AGED 49 YEARS, S/O.KRISHNAN NAIR, WORKING AS H.C.NO.K.3856, VELLOOR POLICE STATION,R/A. KOCHUPURAKKAL HOUSE, P.O.THALAYOLAPPARAMBU, KOTTAYAM DT.**

6. **P.V.RAJU, AGED 49 YEARS, S/O.VELAYUDHAN, WORKING AS H.C.NO.K.3869,ERATTUPETTA POLCIE STATION, R/A. PUTHUPPARAMBIL HOUSE, CHITTADY P.O. PARATHODY, KOTTAYAM DIST.**

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7. SURESH KUMAR, AGED 48 YEARS,
S/O.KUNJUKRISHNAN, WORKING AS H.C. NO.K.3881,
MANACAUD POLICE STATION, R/A. PADMAVILASAM HOUSE,
KOOTHRAPPALLY P.O. KARUKACHAL. KOTTAYAM DIST.

8. N.S.VENUGOPAL, AGED 49 YEARS,
S/O.SIVARAJAN PILLAI, WORKING AS H.C.K.NO.3882,
KOTTAYAM EAST POLICE STATION, R.A.PARAVATHEE
MANDIRAM, MANJOOR P.O.

9. K.J.AUGUSTHY, AGED 47 YEARS, S/O.JOSEPH,
WORKING AS HEAD CONSTABLE NO.K.3892, S.B.KOTTAYAM,
R/A.KUDIYIRIPIL HOUSE, MARANGATTUPPILLY P.O.
KOTTAYAM DIST.

10. BALACHANDRAN K.K.GOPAL, AGED 50 YEARS,
S/O.K.P.GOPALAN, WORKING AS H.C.K.3897, PONKUNNAM
POLICE STATION, R/A. KULATHIPARAMBIL HOUSE,
VADAVATHOOR P.O. KOTTAYAM DIST.

11. THOMAS ABRAHAM, AGED 48 YEARS,
S/O.UTHUPPAN ITTIYAVIRAH, WORKING AS H.C.NO.K.3923
ERATTUPETTA POLICE STATION R/A.MANIMALA PARAYIL
HOUSE, CHIGNAVANAM P.O. KOTTAYAM DIST.

12. K.M.KURIYAKOSE, AGED 49 YEARS,
S/O.MATHEW, WORKING AS H.C.NO.K.3941,
S.B.KOTTAYAM SPL.BRANCH, R/A. KAVUKAROTTU HOUSE,
P.O.PARAMPUZHA, KOTTAYAM DT.

13. JOSEPH AGUSTINE, AGED 48 YEARS,
S/O.AUGUSTINE, WORKING AS H.C.NO.3943, S.B.SPL.
BRANCH, KOTTAYAM, R/A. THAIMURIYIL HOUSE,
EDANADU P.O. PALA, KOTTAYAM DT.

14. MOHAMMED SALI, AGED 47 YEARS,
S/O.SAINUDHEEN LEBBA, WORKING AS H.C.NO.3944,
ERATTUPETTA POLICE STATION, R.A, PATHINARACHIRAYIL
HOUSE, P.O.ERUMELY, KOTTAYAM DT.

15. M.N.SUGATHAN, AGED 51 YEARS,
S/O.NARAYANAN, WORKING AS H.C.NO.3946, KOTTAYAM
EAST POLICE STATION, (TRAFFIC) R/A.
UMBAKKATTU HOUSE, P.O.ARPPOOKKARA EAST,
KOTTAYAM DIST.

16. E.J.ABRAHAM, AGED 52 YEARS,
S/O.JOHN, WORKING AS H.C.NO.3948, KANJIRAPPALLY
POLICE STATION, R/A. ERAKULAM HOUSE, PUTHUPPALY
P.O. KOTTAYAM DT.

17. RAVIKUTTAN, AGED 5O YEARS, S/O.AYYAPPAN
WORKING AS HEAD CONSTABLE NO.3942, S.B.KOTTAYAM,
R/A.KOCHU MADHUMALA HOUSE, P.O.PAMPADY, KOTTAYAM
DISTRICT.

18. SHAJI BENESALA, AGED 48 YEARS,
S/O.GOVINDAN, WORKING AS H.C.NO.3960,
KANJIRAPPALLY POLICE STATION, R/A.NELPURACKAL
HOUSE, ERUMELY P.O. KTM.DIST.

19. P.K.PARAMESWARAN, AGED 48 YEARS,
S/O.SANKARAN, WORKING AS H.C.NO.3962, MELUKAVU
POLICE STATION, R/A. PALONNIYIL HOUSE, ADUKKOM PO,
KTM.DT.

20. P.C.KURIAKOSE, AGED 48 YEARS, S/O.P.K.
CHACKO, WORKING AS H.C.NO.K.3969, PONKUNNAM POLICE
STATION, R/A. PANATHANALIL HOUSE, KANJIRAPPARA PO,
KOTTAYAM DT.

21. SURESH BABU,A GED 47 YEARS, S/O.RAMAN
NAIR, WORKING AS H.C.NO.3971, PAMPADY POLICE
STATION, R/A. KOTTAMALA HOUSE, VAZHOOR P.O.
KOTTAYAM DT.

22. K.N.RAJU, AGED 48 YEARS, S/O.NARAYANAN,
WORKING AS H.C.3978, SPL.BRANCH, KOTTAYAM
R/A.KOTTAMALA HOUSE, PONNJAR,
P.O.KOTTAYAM DIST.

23. P.G.PRAKASH LAL, AGED 52 YEARS,
S/O.P.K.GOVINDAN, WORKING AS H.C.NO.3980,
PONKUNNAM POLICE STATION, R/A.PULAPALLIL HOUSE,
VELLOOR P.O. KOTTAYAM DISTRICT.

24. K.S.SUKUMARAN, AGED 49 YEARS, S/O.
SANTHAKUMAR, WORKING AS H.C.NO.3990,
KUMARAKOM POLICE STATION, R/A. KANJIRATHUMMOOTTIL
HOUSE, MUKKANJIRAM, P.C.KAVALA, CHENGANACHERRY,
KOTTAYAM DISTRICT.

25. CHANDRADAS P.K.AGED 50 YEARS,
S/O.KUNJAPPAN, WORKING AS H.C.NO.4003, PONKUNNAM
POLICE STATION, R/A. PAZHAYMANAKKAL HOUSE,
POLICE QUARTERS, MUNDAKKAYAM, KOTTAYAM DT.

26. P.V.SOMANATHAN, AGED 50 YEARS,
SON OF VELAYUDHAN, WORKING AT HEAD CONSTABLE
NO.4033, KANJIRAPPALLY POLICE STATION,
(RESIDING AT PUTHUPPARAMBIL HOUSE, M.E.ROAD,
MUNDAKKAYAM P.O., KOTTAYAM DISTRICT 686 513)

27. E.J.GEORGE, AGED 52 YEARS,
S/O. JOSEPH, WORKING AT HEAD CONSTABLE
NO.4094, SPECIAL BRANCH, KOTTAYAM (RESIDING
AT ELATHUMKAL HOUSE, EDANADU P.O., PALA,
KOTTAYAM DISTRICT.

28. P.T.DEVASSIA, AGED 48 YEARS,
SON OF THOMAS, WORKING AS HEAD CONSTABLE,
NO.3878, STATE SPECIAL BRANCH, KOTTAYAM
(RESIDING AT PARAVARAPARAMBIL HOUSE,
MUNDAKKAYAM P.O., KOTTAYAM DISTRICT 686 513).

29. P.C.JOHN, AGED 45 YEARS,
S/O. KURIAN CHACKO, WORKING AS HEAD CONSTABLE
NO.4443, MANARCAD POLICE STATION (RESIDING AT
PUKADIYIL HOUSE, KUZHUMATTAM P.O.,
KOTTAYAM DISTRICT)

BY ADV. SRI.TPM.IBRAHIM KHAN

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM.**

3. **THE INSPECTOR GENERAL OF POLICE, SOUTH ZONE, THIRUVANANTHAPURAM.**

4. **THE DEPUTY INSPECTOR GENERAL OF POLICE, ERNAKULAM RANGE, KOCHI.**

5. **THE SUPERINTENDENT OF POLICE, OFFICE OF THE SUPERINTENDENT OF POLICE, KOTTAYAM.**

6. **SASEENDRA BABU, JUNIOR SUPERINTENDENT, OFFICE OF THE SUPERINTENDENT OF POLICE, KOTTAYAM.**

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN for R1 to R3&R5

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER NO.A1-8766/2002/ER DTD. 19/03/2003 ISSUED BY THE SECOND RESPONDENT.

EXT.P2: COPY OF THE ORDER NO.A1-12618/2003 ER DTD. 6TH DECEMBER 2003 ISSUED BY THE SECOND RESPONDENT.

EXT.P3: COPY OF THE D.O.LETTER NO.A1-56438/94/K (KDO/29/95) DTD. 28/01/1995 ISSUED BY THE 5TH RESPONDENT.

EXT.P4: COPY OF THE REPRESENTATION NO.NIL DTD. 21/02/2004 SUBMITTED BY THE SIMILARLY PLACED PERSONS LIKE THE PETITIONERS BEFORE THE SECOND RESPONDENT.

EXT.P5: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DTD. 10/03/2004 IN WRIT PETITION (CIVIL) NO.8469 OF 2004 (G).

EXT.P6: COPY OF THE PROVISIONAL SENIORITY LIST OF HEAD CONSTABLES (GE) INKOTTAYAM DISTRICT PREPARED ON THE BASIS OF THE DIRECTIONS OF THE PREVIOUS DEPUTY INSPECTOR GENERAL OF POLICE, ERNAKULAM RANGE BY A SPECIAL TEAM WITH REF. NO.A3-13889/02K DTD. 1/07/2004.

EXT.P7; COPY OF THE LIST NO.A1/7606/03-ER (ERQ NO.181/2004) DTD. 27/06/2004 ISSUED BY THE 4TH RESPONDENT.

EXT.P8: COPY OF THE ORDER NO.A3/13889/02K DTD. 16/09/2004 ISSUED BY THE FIFTH RESPONDENT.

EXT.P9: COPY OF THE REPRESENTATION DTD. 20/09/2004 FILED BY THE SIMILARLY PLACED PERSONS LIKE THE PETITIONERS BEFORE THE 5TH RESPONDENT.

EXT.P10: COPY OF THE PETITION DTD. 30/09/2004 SUBMITTED BY THE SIMILARLY PLACED PERSONS LIKE THE PETITIONERS BEFORE THE FIFTH RESPONDENT.

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EXT.P11: COPY OF THE ORDER NO.A3-13889/02 K DTD. 25/09/2004 ISSUED BY THE 5TH RESPONDENT.

EXT.P12: COPY OF THE SELECT LIST NO.1/18700/04 ERN DTD. 20/09/2004 ISSUED BY THE 4TH RESPONDENT.

EXT.P13: COPY OF THE REPRESENTATION DTD. 30/09/2004 SUBMITTED BY THE SIMILARLY PLACED PERSONS LIKE THE PETITIONERS BEFORE THE 2ND RESPONDENT WITH COPY TO THE RESPONDENTS 1 AND 3.

EXT.P14: COPY OF THE ORDER NO.A1.12618/2003 DTD. 12/10/2004 ALONG WITH THE LIST ISSUED BYTHE 4TH RESPONDENT.

EXT.P15; COPY OF THE OBJECTIONS DTD. 20/10/2004 SUBMITTED BY THE SIMILARLY PLACED PERSONS BEFORE THE RESPONDENTS.

EXT.P16: COPY OF THE INTERIM ORDER DTD. 11/10/2004 PASSED BY THIS HONOURABLE COURT IN WRIT PETITION (CIVIL) NO. 29490 OF 2004.

/TRUE COPY/

P.S.TO JUDGE

KSS

K. BALAKRISHNAN NAIR, J.

W.P.(C) No. 31569 of 2004-G

JUDGMENT

The petitioners in this writ petition are Head Constables, working under the respondents. They are aggrieved by Ext.P6 provisional seniority list and the consequential promotions ordered based on it. Later, the said seniority list was revised and published as per Ext.P14 proceedings dated 12.10.2004. The petitioners filed Ext.P15 and similar objections and thereafter, this writ petition was filed, challenging the provisional promotions as well as Ext.P14 provisional seniority list.

2. Initially, there was a stay against Ext.P14. Later, this Court by order dated 3.6.2005, vacated the interim order and allowed the finalisation of the seniority list. Both sides are not sure whether the final seniority list has been finalised or not. If the final seniority list is not, so far, finalised, the 4th respondent Deputy Inspector General of Police will finalise the same, considering the objections raised against it within three months from the date of production of a copy of this judgment. Based on that final seniority list of Head Constables in the

General Executive Branch, if the petitioners find that any of their juniors in that list have been promoted earlier, they will be free to move the competent authority for appropriate reliefs.

The Writ Petition is disposed of as above.

18th July, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/